

Notice
of
Rulemaking

Tennessee Regulatory Authority

There will be a hearing before the Tennessee Regulatory Authority to consider the promulgation of rules and the amendment of rules pursuant to Tennessee Code Annotated, Section 65-2-102. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Hearing Room of the Tennessee Regulatory Authority Building, 460 James Robertson Parkway, Nashville, Tennessee at 1:30 p.m. on the 18th day of December, 2000.

Any individuals with disabilities who wish to participate in these proceedings should contact the Tennessee Regulatory Authority to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date, to allow time for the agency to determine how it may reasonably provide such aid or service. Initial contact may be made with the agency's ADA Coordinator at 460 James Robertson Parkway, Nashville, TN 37243-0505, and (615) 741-2904.

Regulatory Authority, 460 James Robertson Parkway, Nashville, TN, and (615) 741-2904.

Substance of Proposed Rules

Amendments

Subparagraph (d) of Paragraph (2) of Rule 1220-4-2-.56 Verification of Orders for Changes for Long Distance Carriers is amended so that, as amended, the subparagraph shall read:

- (d) In the case of an asset transfer between two or more telecommunications service providers when a provider's customer base is included in the transfer, the Authority, upon petition by the acquiring carrier, may deem that sufficient notice has been given to the affected customers when the following criteria are met:
 - 1. The Federal Communications Commission has issued an order granting a waiver of its Slamming Rules for the particular asset transfer transaction.

2. A notification letter, pre-approved by the Authority, is mailed by U.S. First Class Postage by the carrier currently serving the customer describing the asset transfer and explaining to the customer that his/her local and/or long distance service will be transferred to the acquiring company by a date certain if the customer fails to select another provider. This customer notification shall be mailed to the customer no less than thirty (30) days prior to the actual asset transfer.
3. The acquiring carrier agrees to pay any fees charged to the customer associated with changing to a new carrier. The notification letter required in 1220-4-2-.56 (2) (d) 2 shall inform the customer of this provision.
4. The acquiring carrier agrees to not exceed the rates charged by the acquired carrier for a period not less than (ninety) 90 days after which any rate increase shall require thirty (30) days written notice, pre-approved by the Authority, to each affected customer explaining the increase. The notification letter mentioned in 1220-4-2-.56(2)(d)(2) shall inform the customer of this provision.

Subparagraph (e) of Paragraph (2) of Rule 1220-4-2-.56 Verification of Orders for Changes for Long Distance Carriers is amended so that, as amended, the subparagraph shall read:

- (e) To provide evidence of a valid change order, telecommunications providers may elect to audio record the verbal authorization obtained by the independent third party verifier under Rule 1220-4-2-.56(2)(c)(1). Failure to audio record or to produce such audio recording upon request of the Consumer Services Division of the Authority shall create a rebuttable presumption that the verbal authorization from the end user was not obtained.

Paragraph (2) of Rule 1220-4-2-.56 Verification of Orders for Changes for Long Distance Carriers is amended by adding the following new subparagraph so that, as amended, the subparagraph shall read:

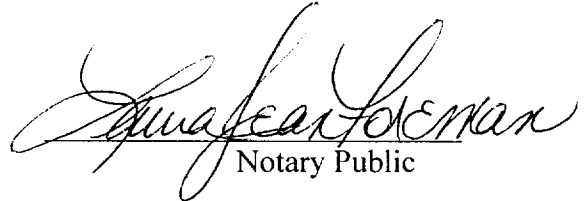
- (f) All LOAs, recordings or any other evidence of change orders shall be maintained by the submitting carrier and the local exchange carrier for one year for dispute resolution and shall be provided to the Authority upon request.

I certify that this is an accurate and complete representation of the intent and scope of
For a copy of this notice of rulemaking hearing, contact: K. David Waddell, Tennessee
rulemaking proposed by the Tennessee Regulatory Authority.



K. David Waddell
Executive Secretary

Subscribed and sworn to before me this the 30 day of OCTOBER, 2000.


Notary Public

My commission expires on the 7 day of APRIL, 2003

The notice of rulemaking set out herein was properly filed in the Department of State on
the 31 day of Oct., 2000.


Riley C. Darnell
Secretary of State

By: 

SECRETARY OF STATE
PUBLICATIONS

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